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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: B. TOWNSEND, et al.
Serial No: 10/814,155
Filed: April 1, 2004
Title: PROSTHETIC FOOT WITH TUNABLE PERFORMANCE
Group: 3738
Examiner: Javier G. BLANCO

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

May 24, 2006

Sir:

Petitioners, Barry W. Townsend and Byron K. Claudino, represent that they are the owners of the entire interest of U.S. Application No. 10/814,155, filed April 1, 2004, for PROSTHETIC FOOT WITH TUNABLE PERFORMANCE.

Petitioners hereby disclaim all that portion of the term of any patent to be issued on the above-identified application subsequent to the expiration date of the full statutory term, defined in 35 U.S.C. §154 to 156 and 173, of U.S. Patent No. 6,562,075, issued May 13, 2003 and hereby agree that any patent issued on the above-identified application shall be enforceable only for and during such time as said U.S. Patent No. 6,562,075 and said patent to be issued on the above-identified application are commonly owned.

Petitioners hereby disclaim all that portion of the term of any patent to be issued on the above-identified application subsequent to the expiration

date of the full statutory term, defined in 35 U.S.C. §154 to 156 and 173, of any patent to be issued from U.S. Patent Application Nos.:

10/263,795 filed Oct. 4, 2002 (hereinafter "said any U.S. Patent issuing from No. 10/263,795");
10/408,107 filed April 8, 2003 (hereinafter "said any U.S. Patent issuing from No. 10/408,107");
10/473,680 filed March 29, 2002 (hereinafter "said any U.S. Patent issuing from No. 10/473,680");
10/814,260 filed April 1, 2004 (hereinafter "said any U.S. Patent issuing from No. 10/814,260")

and hereby agree that any patent issued on the above-identified application shall be enforceable only for and during such time as said any U.S. Patent issuing from No. 10/263,795 and the patent issued in the above-identified application are commonly owned, and only for and during such time as said any U.S. Patent issuing from No. 10/408,107 and the patent issued on the above-identified application are commonly owned, and only for and during such time as said any U.S. Patent issuing from No. 10/473,680 and the patent issued on the above-identified application are commonly owned, and only for and during such time as said any U.S. Patent issuing from No. 10/814,260 and the patent issued on the above-identified application are commonly owned.

Petitioners, however do not disclaim the terminal part of any patent granted on the instant application prior to the expiration date of the full statutory term, defined in 35 U.S.C. §154 to 156 and 173, of the above-listed U.S. Patent 6,562,075, said any U.S. Patent issuing from No. 10/263,795, said any U.S. Patent issuing from No. 10/408,107, said any U.S. Patent issuing from No. 10/473,680, and said any U.S. Patent issuing from No. 10/814,260 in the event that U.S. Patent No. 6,562,075, said any U.S. Patent

issuing from No. 10/263,975, said any U.S. Patent issuing from No. 10/408,107, said any U.S. Patent issuing from No. 10/473,680, said any U.S. Patent issuing from No. 10/814,260 expires for failure to pay a maintenance fee; is held unenforceable; is found invalid; is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.312; has all claims cancelled by a reexamination certificate; is reissued; or is otherwise terminated prior to expiration of the above-referred to full statutory term, except fro the separation of legal title as stated above.

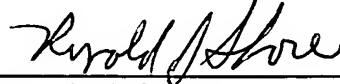
This disclaimer is to be binding with respect to any patent granted on the above-identified application, and is binding upon grantees, their successors, or assignees of any interests.

The undersigned is an attorney of record in this application and is empowered to act on behalf of Petitioners for execution and submission of Terminal Disclaimers, in accordance with the provisions of 37 C.F.R. §1.321(b) and (c), effective January 4, 1994.

The undersigned hereby declares that all statements made herein of his knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine, or imprisonment, or both, under Section 1001 of Title 18 of the United

States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ronald J. Shore", is written over a horizontal line.

Ronald J. Shore

Registration No. 28,577

ANTONELLI, TERRY, STOUT & KRAUS, LLP

RJS/kmh

Attachments